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9 Attorneys for Respondent Warden B. Curry

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14
15 SYLVESTER STRONG,

16 Petitioner,

17 v.

18 BEN CURRY, Warden,

19 Respondent.
20

C07-4927 SI

**REQUEST FOR SECOND
EXTENSION OF TIME TO FILE
ANSWER; DECLARATION OF
COUNSEL; [PROPOSED] ORDER**

Judge: The Honorable Susan Illston

21 **REQUEST FOR EXTENSION OF TIME TO FILE ANSWER**

22 Petitioner Sylvester Strong is a California state inmate at the Correctional Training Facility,
23 proceeding pro in this habeas corpus action. Petitioner alleges that Governor Arnold
24 Schwarzenegger unconstitutionally reversed his 2006 parole grant. On November 14, 2007, this
25 Court issued an Order to Show Cause, requiring Respondent Warden Ben Curry to file an
26 Answer on or before January 18, 2007. This Court then granted Respondent an extension of
27 time, up to and including February 1, 2008. For the reasons set forth in the attached Declaration
28 of Counsel, Respondent respectfully requests a second two-week extension of time, up to and

1 including February 15, 2008, to file a responsive pleading in this matter.

2 Dated: January 31, 2008

3 Respectfully submitted,

4 EDMUND G. BROWN JR.
Attorney General of the State of California

5 DANE R. GILLETTE
Chief Assistant Attorney General

6 JULIE L. GARLAND
Senior Assistant Attorney General

7 ANYA M. BINSACCA
Supervising Deputy Attorney General

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11 AMBER N. WIPFLER
12 Deputy Attorney General
13 Attorneys for Respondent

14 40213559.wpd
15 SF2007403218

DECLARATION OF COUNSEL

I, Amber N. Wipfler, declare:

1. I am an attorney admitted to practice before the courts of the state of California. I am employed by the California Office of the Attorney General as a Deputy Attorney General in the Correctional Writs and Appeals section.

2. I am the attorney assigned to respond to the petition for writ of habeas corpus filed by inmate Sylvester Strong.

3. On November 14, 2007, this Court issued an Order to Show Cause, requiring Respondent Warden Ben Curry to file a responsive pleading on or before January 18, 2008. This Court then issued Respondent a two-week extension of time, up to and including February 1, 2008, to file an Answer.

4. I have not yet received a copy of Petitioner's appellate court petition and denial. On January 30, 2008, I was informed that his file was misplaced, but was assured that I would receive a copy of the necessary documents within the next week.

5. The appellate petition and decision are necessary for me to determine whether Petitioner has exhausted his state court remedies, and whether there is a reasoned state court decision for the purposes of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA).

6. Accordingly, Respondent respectfully requests an additional two-week extension of time, up to and including February 15, 2008, to file a responsive pleading in this matter.

7. This request is not made for any purpose of harassment, undue delay, or for any improper reason.

8. Without an extension of time, Respondent would be substantially harmed or prejudiced in that Respondent would not have the opportunity to determine whether the petition meets exhaustion requirements, or whether there is a reasoned state court decision subject to deference

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1 under AEDPA.

2 I declare under penalty of perjury that the above is true and correct, and that this declaration
3 was executed on January 31, 2008, in San Francisco, California.

4 

5
6 Amber N. Wipfler
Deputy Attorney General

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Strong v. Curry**

No.: **C07-4927 SI**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On February 1, 2008, I served the attached

1. **RESPONDENT'S REQUEST FOR SECOND EXTENSION OF TIME TO FILE ANSWER; DECLARATION OF COUNSEL**
2. **[PROPOSED] ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Sylvester Strong
D-99287
Correctional Training Facility
P.O. Box 686
Soledad, CA 93960-0686
In Pro Se
D-99287

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 1, 2008, at San Francisco, California.

S. Redd
Declarant

S. Redd
Signature